

Judge Bailey, cont.

Indianapolis Bar Association's Bar Leader Series; in 2009, he was designated an ASTAR Science and Technology Fellow and is a past Board Member of the Indiana Judges Association.

Judge Bailey is a member of the Supreme Court Committee on Rules of Practice and Procedure and a past Chair of the Indiana State Bar Association's Appellate Practice Section. Also, he is in his second term as a Board Member of the Indiana University McKinney School of Law Alumni Association. Additionally, Judge Bailey serves as an adjunct professor at the University of Indianapolis.

Judge Bailey was retained on the Court of Appeals in 2000 and 2010. His wife is a professor; the couple has two post college-age children.

Judge Bradford, cont.

ana Judges Criminal Policy Committee and the Board of Directors of the Indiana State Judicial Conference.

He is Chair of the Indiana Pro Bono Commission; a member of the Indiana Bar Foundation and McKinney School of Law Alumni Association Boards; a Senior Distinguished Fellow of the Indianapolis Bar Association; and teaches at various seminars on a variety of legal topics. From 2005 to 2007, Judge Bradford hosted "Off the Bench with Judge Cale Bradford," a legal commentary program on Marion County's government access network. He also served on the Judicial Technology and Automation Committee (JTAC), helping to draft the state judiciary's policies on technology and electronic case management. Judge Bradford currently serves as an adjunct instructor in forensic science and the law at Indiana University Purdue University Indianapolis.

Judge Bradford is a former director of Indianapolis's John P. Craine House, a residential alternative to incarceration for women offenders with pre-school-aged children. Judge Bradford regularly attends St. Luke's United Methodist Church. He and his wife, a full-day kindergarten teacher, have five children.

Attorneys for the Parties

For the Appellant

Jeff Baldwin is a Cincinnati native who was raised in Indiana and graduated from North Decatur High School, IN, in 1980. He graduated *cum laude* from Wabash College in 1984 and earned his law degree in 1987 from Indiana University School of Law-Indianapolis.

Jeff began his legal career with the Marion County Prosecutor's Office in 1986 as a certified legal intern. He stayed with the Prosecutor's Office after law school graduation, leaving in 1990. Since then, Jeff's practice has been completely devoted to criminal defense at the state and federal levels.

Jeff has tried cases in federal and state courts ranging from misdemeanors to capital murder, including as lead counsel in more than 10 capital cases. He also has extensive jury experience in federal court with several trials that have lasted multiple weeks.

Jeff is admitted in Indiana and in the following federal Courts: the Southern and Northern Districts of Indiana, the Northern District Court of Texas, and the 7th and 6th U.S. Circuit Courts of Appeal. He has argued cases on the appellate level in

both the 7th and 6th Circuits as well as before the Indiana Supreme Court and Court of Appeals.

For the Appellee

Jesse Drum is from Burlington, KY. He earned a B.A. in English Literature from Northern Kentucky University in 2009 and graduated from Indiana University Maurer School of Law in Bloomington in 2013. During law school, he was a Notes and Comments Editor on the Indiana Law Journal. His student note, "*Oh, it is you, is it?*" *Closing the Door on Reasonable Resistance to Unlawful Police Entry in Indiana*, was published in the ILJ.

Jesse joined the Office of the Indiana Attorney General as a law clerk in Criminal Appeals in May 2012. In February 2014, he was promoted to the position of Deputy Attorney General in the same division. He now handles state criminal and post-conviction appeals and federal habeas corpus.

He has presented two oral arguments in the Indiana Supreme Court, and this will be his sixth oral argument in the Indiana Court of Appeals.

Judge Baker, cont.

In 2011 he joined the Board of Trustees of Garrett-Evangelical Theological Seminary in Evanston, IL, where he serves on the board's Academic Affairs committee.

Judge Baker was retained by election in 1992, 2002 and 2012. He and his wife have five children and – so far – nine grandchildren.

What happens after the court hears oral argument?

After oral argument, the judges confer to decide the outcome. One, called the writing judge, drafts an opinion for the others' review. Final language may involve several drafts and significant collaboration among the judges.

Generally, opinions will affirm or reverse lower court rulings in whole. But some affirm in part, some reverse in part, and some do both. Not infrequently, the opinion instructs the trial court about the next appropriate course of action.

Many opinions are unanimous, although non-unanimous decisions (2-1) are not uncommon. Dissenting judges usually express their views in a separate opinion that becomes part of the permanent record of the case. (Historically, the ideas contained in dissents have sometimes been adopted as the law of the land – over time – on a particular issue.)

Judges sometimes write separate, concurring opinions that emphasize different points of law or facts than the main opinion.

No rules or laws govern how fast the Court of Appeals must issue an opinion. But the court strives to decide cases within four months of receiving all briefs, transcripts and other records.

Once issued, all opinions are published on www.courts.in.gov and maintained in the permanent records of the Clerk of Appellate Courts.

Parties can appeal decisions of the Court of Appeals to the Indiana Supreme Court by filing a petition to transfer within a prescribed number of days. But transfer is not automatic; the Supreme Court can grant or deny transfer with or without giving a reason.

If the petition is denied, the Appeals Court decision stands.

SYNOPSIS

In the instant matter, Appellant-Defendant Sattore E. Cooper challenges the sufficiency of the evidence to sustain his conviction for Class B felony burglary.

Factual Overview

At approximately mid-day on Sept. 18, 2013, Gareth Evans returned to his residence at the Penn Circle Apartments in Carmel to eat lunch and walk his dog. While standing in a grassy area outside of his apartment building with his dog, Evans noticed a red Toyota Corolla parked directly outside the front door to the building. Evans observed that the Corolla appeared to be running and that both the driver's side and passenger's side windows were down.

While still standing in the grassy area, Evans realized that he had left his cell phone in his apartment. He then returned to his apartment to retrieve his cell phone.

As he made his way back to his apartment, Evans, who was aware of recent break-ins in the apartment complex, saw a man exit the building. This man was subsequently identified as Cooper. Evans became suspicious because he did not recognize Cooper. After retrieving his cell phone, Evans decided to report the Corolla and suspicious man to the leasing office.

As Evans left his apartment, he encountered Cooper on a stairwell. Evans wrote down the license plate number on the Corolla as he made his way to the leasing office. Upon arriving at the leasing office, Evans reported the suspicious individual to the property manager, Katie Blackburn, and asked why an unknown individual was in his building.

Blackburn and Joseph Bir, the maintenance supervisor, then went to Evans's building. As they approached the building, Bir noted the red Corolla. Once inside the apartment building, Bir heard a noise that seemed to come from the third floor. As Bir made his way to the third floor to investigate, Bir encountered Cooper and another man on the stairwell. Bir bumped shoulders and made eye contact with Cooper, who was carrying a laptop computer. Cooper and his companion then ran

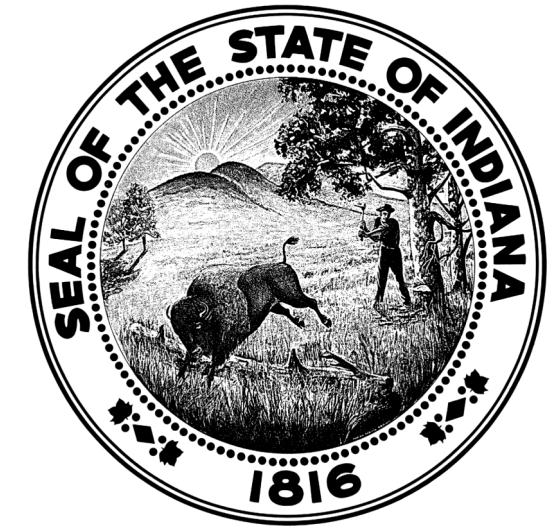
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Court of Appeals of Indiana

Hearing oral argument at

Shelbyville High School

Thursday, April 14, 2016 @ 10:30 a.m.



Cooper v. State

29A02-1507-CR-1000

On Appeal from Hamilton Circuit Court

The Honorable Paul Felix, Judge

Indiana Bicentennial 1816-2016

Synopsis, cont.

down the stairs.

Upon arriving on the third floor, Bir observed that two of the doors had been opened and their frames had pry bar marks on them. Bir yelled to Blackburn that there had been break-ins.

Meanwhile, Evans, who was watching the building from the apartment complex's clubhouse, observed Cooper and the other man exit the building carrying what appeared to be a flat screen television. Cooper and his companion then entered the Corolla and sped off with the tires spinning.

Carmel Police Department ("CPD") Officer Robert Harris responded to a call reporting a "burglary in process" at the apartment complex. Upon arriving at the complex, Officer Harris entered apartment 309, which was one of the apartments with signs of forced entry. This apartment belonged to Chad Bocock.

Officer Harris observed that the apartment door had been forced open, that drawers in the bedroom had been opened, that a safe located in the bedroom closet had been forced open and its contents spilled onto the floor, and that a laptop computer appeared to

have been removed from a docking station in the spare bedroom.

Upon returning to his apartment, Bocock confirmed that his laptop computer had been taken and indicated that he had not given anyone permission to enter his apartment, take his laptop computer, or open his drawers and safe.

CPD Detective Brad Hendrick subsequently located the Corolla, which was registered to Hertz Avis Rental Company ("Hertz"), using the license plate number provided by Evans. CPD Officer Scott Pilkington processed the Corolla, which included taking DNA swabs from inside the vehicle. The DNA was later tested against an exemplar of Cooper's DNA. While the DNA comparison did not produce an exact match, it could not exclude Cooper as a contributor.

Shortly after initiating his investigation into the burglary, Detective Hendrick identified Cooper as a "person of interest." Detective Hendrick then compiled a photograph array which was shown to both Evans and Bir, each of whom identified Cooper as one of the two men they had seen at the apartment complex.

Also, while completing the investigation into the burglary, John Elliot, a CPD crime-scene examiner, came to believe

that the door to apartment 309 appeared to have been forced open through use of a "wonder bar." Elliot subsequently described the "wonder bar" as a common carpentry tool that is used for prying.

On Oct. 15, 2013, the State charged Cooper with one count of Class B felony burglary and one count of Class D felony theft. The State also alleged that Cooper is a habitual offender. Cooper was tried before a jury on June 8 and 9, 2015, after which the jury found Cooper guilty of Class B felony burglary and not guilty of Class D felony theft.

Cooper subsequently admitted that he is a habitual offender. The trial court sentenced Cooper to a term of 20 years, with six years suspended. As a result of Cooper's status as a habitual offender, the trial court enhanced the executed portion of Cooper's sentence by 10 years.

Summary of Arguments on Appeal

The parties will present arguments pertaining to whether the evidence is sufficient to prove (1) Cooper's identity as a participant in the burglary, and (2) that Cooper acted with the requisite intent.



Historic first Capitol stills stands in Corydon

Indiana doesn't have a lot of 200-year-old buildings, but Hoosiers are fortunate that the first state capitol is one of them.

The simple limestone structure, completed in 1816, is the heart of the Corydon Historic District in Harrison County, as listed on the National Register of Historic Places. Corydon served as the seat of Harrison County government, as territorial capital of the Indiana Territory, and as Indiana's first state capital, from 1816-1825.

Those successive roles followed European settlement of the Northwest Territory, from which the Indiana Territory was carved in 1800.

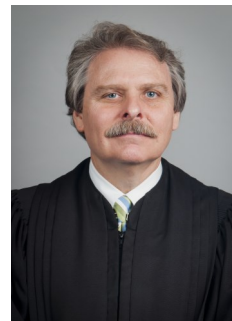
The capitol building was under construction as the territory prepared for statehood. Among other things, that process involved a formal petition to Congress, adoption of a state constitution, and a minimum population of 60,000.

Territorial delegates crafted Indiana's first Constitution on the site in June 1816, and the first General Assembly convened in the Federal-style building in November 1816. Congress approved Indiana's status as the 19th state on Dec. 11, 1816.

Corydon wasn't new to capital status, having succeeded Vincennes as the territorial capital in 1813. Nor was its status long to last, as the capital was relocated to the more centrally located Indianapolis in 1825, reflecting the population's expansion into lands taken by treaty and war from Native Americans.

But the capitol building remains as a historic site and museum, and Corydon remains the county seat of Harrison County.

Today's Panel of Judges



**The Honorable
L. Mark Bailey**
Decatur County

Lloyd Mark Bailey was raised on the family farm in Decatur County. He was educated in Indiana, earning a B.A. from the University of Indianapolis (1978); a J.D. from Indiana University McKinney School of Law (1982); and an M.B.A. from Indiana Wesleyan University (1999). He also completed the graduate program for Indiana Judges. Judge Bailey was appointed to the Indiana Court of Appeals by Governor Frank O'Bannon in 1998, after having served as judge of the Decatur County and Decatur Superior Courts.

During his legal career, Judge Bailey has served public interest and professional organizations in various capacities. He was the first Chairperson of the Indiana Pro Bono Commission, having been awarded the Indiana Bar Foundation's Pro Bono Publico Award and the 2002 Randall Shepard Award for his pro bono contributions.

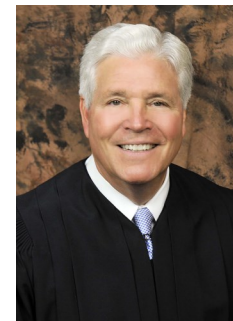
His writings include: "A New Generation for Pro Bono," "Pro Bono Participation Preserves Justice," and "An Invitation to Become Part of the Solution," all published in the *Indiana Lawyer*.

Judge Bailey also chaired the Local Coordinating Council of the Governor's Task Force for a Drug-Free Indiana and the Judicial Conference Alternative Dispute Resolution Committee. Additionally, he has served on the Judicial Education Committee of the Judicial Conference of Indiana.

In 2004, Judge Bailey and his First District colleagues received the Indiana Bar Foundation Law-Related Education Award for their commitment to bringing oral arguments into community settings.

In February of 2006, he served as the Distinguished Jurist in Residence at Stetson University College of Law; in 2007-08, he was the Moderator of the

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**The Honorable
John G. Baker**
Monroe County

John G. Baker was named to the Court of Appeals in 1989, which makes him the longest-serving member on the current Court. He has served as Presiding Judge of the Court's First District, which covers all of southern Indiana, and as Chief Judge of the Court from 2007-2010.

Judge Baker grew up along the Ohio River in Aurora, IN, but attended high school at Culver Military Academy in northern Indiana. He studied history at Indiana University-Bloomington, and later received his law degree from Indiana University School of Law-Bloomington.

He practiced law in Monroe County for many years before joining the Monroe County bench as first a county and later a Superior Court Judge. Diligently, he handled more than 15,000 cases in 13 1/2 years on Monroe County benches, and has written more than 4,000 majority opinions for the Court of Appeals.

Judge Baker is greatly interested in the history, structure and organization of Indiana's judicial branch of government. He regards Indiana judges not as remote figures who conduct abstract arguments, but as people fully engaged in the life of the law and their communities.

He has taught in college and law school and is active in local, state and national bar associations. In 2013, Judge Baker retired after 33 years of teaching at the School of Public and Environmental Affairs, Indiana University-Bloomington. He continues to teach during the Spring semester at the McKinney School of Law.

Judge Baker's many community activities include his church, the YMCA and the Boy Scouts (where he attained Eagle Scout status as a youth).

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**The Honorable
Cale J. Bradford**
Marion County

Cale J. Bradford was appointed to the Court of Appeals by Governor Mitch Daniels and took his seat on August 1, 2007.

Prior to his elevation to the Court of Appeals, Judge Bradford served for more than 10 years as Judge of the Marion Superior Court, seven years in the criminal division and three in the civil division. He was twice elected presiding judge by his colleagues.

During this tenure, Judge Bradford chaired the Marion County Criminal Justice Planning Council, a group of local elected and appointed officials who recommended ways to improve the county's response to criminal justice problems, including jail overcrowding, staffing, and budget issues. His efforts led to the end of 30 years of federal oversight of the Marion County Jail and to security improvements at the county's Juvenile Detention Center.

Before joining the bench, Judge Bradford served in the Marion County Prosecutor's Office for two years, overseeing a staff of more than 100 attorneys. For five years, he was an Assistant United States Attorney for the Southern District of Indiana, prosecuting major felony drug trafficking cases. He engaged in the private practice of law from 1986 to 1991, and served as both a deputy prosecutor and public defender during his career.

A native of Indianapolis, Judge Bradford received a B.A. in labor relations and personnel management from Indiana University-Bloomington in 1982 and his J.D. from the McKinney School of Law-Indianapolis in 1986. He is the Court of Appeals' liaison to the Indiana Judges Criminal Instructions Committee, which provides guidance to judges on jury instructions in criminal cases, and a former member of both the Indi-

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